

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Gregory D. Herzberger,)	CASE NO.: 1:18CV1548
)	
Petitioner,)	JUDGE JOHN ADAMS
)	
)	
Warden Tim Shoop,)	<u>ORDER AND DECISION</u>
)	
Respondent.)	
)	

The Court has examined the Report and Recommended Decision of the Magistrate Judge submitted in this matter on September 18, 2019. Doc. 11. Upon due consideration, and no objections having been filed by the parties,¹ the Court adopts the Report and recommended findings and conclusions of the Magistrate Judge and incorporates them herein. Therefore, it is ordered that petition is hereby DENIED.

Pursuant to 28 U.S.C § 1915(a)(3), the Court certifies that Petitioner may not take an appeal from the Court's decision in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

Date: December 12, 2019

/s/ John R. Adams
JUDGE JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE

¹ The Court granted an extension of time for Petitioner to file objections to 11/15/19, but no objections have been filed to date.